

Chapter 9

Alternative Food Facilities

Note: Chapter 9 does not exist in the 2001 FDA Food Code. The chapter was added to the Working Document to incorporate the additional provisions included in Chapter 246-215 Washington Administrative Code (WAC) and to provide formatting of these provisions consistent with preceding FDA Food Code chapters.

- 9-1 MOBILE FOOD UNITS
- 9-2 TEMPORARY FOOD ESTABLISHMENTS
- 9-3 BED AND BREAKFAST OPERATIONS
- 9-4 DONATED FOOD DISTRIBUTING ORGANIZATIONS

9-1 MOBILE FOOD UNITS [WAC 246-215-121]

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Requirements and Restrictions

9-101.11 Requirements. [WAC 246-215-121(1-3)]

(A) The PERMIT HOLDER and PERSON IN CHARGE of a MOBILE FOOD UNIT must comply with the requirements of this Code, except as otherwise provided in this section.

(B) The PERMIT HOLDER must obtain approval from other applicable regulating agencies prior to operating a MOBILE FOOD UNIT, including the Washington State Department of Labor and Industries.

(C) The PERSON IN CHARGE of a MOBILE FOOD UNIT must operate the MOBILE FOOD UNIT from an APPROVED COMMISSARY or SERVICING AREA and shall return to such location for supplies, thorough cleaning, and other servicing activities, as APPROVED in a plan of operation. When not in operation, a MOBILE FOOD UNIT must be stored at an APPROVED SERVICING AREA or other APPROVED location.

9-101.12 Restrictions. [WAC 246-215-121(4)]

The REGULATORY AUTHORITY may impose additional requirements to protect against health hazards related to the operation of a MOBILE FOOD UNIT and may:

- (A) Limit the FOOD preparation steps;
- (B) Prohibit some menu items; and
- (C) Restrict the mode of operation when facilities or EQUIPMENT are inadequate to protect public health.

Plan Approval

9-102.11 Plan Review. [WAC 246-215-121(5)]

The owner of a MOBILE FOOD UNIT must submit a properly prepared plan of operation with specifications of the MOBILE FOOD UNIT, COMMISSARY, and SERVICING AREA to the REGULATORY AUTHORITY for approval before:

- (A) Construction or remodeling begins;
- (B) The menu of the MOBILE FOOD UNIT is changed;
- (C) The method of FOOD preparation is changed;
- (D) The vehicle is changed; or
- (E) The COMMISSARY is changed.

9-102.12 Plan Contents. [WAC 246-215-121(6)]

The owner of a MOBILE FOOD UNIT must include in the plan required by § 9-102.11:

- (A) Menu and FOOD preparation steps;
- (B) Floor plan;
- (C) EQUIPMENT specifications and location;
- (D) Finish schedule;
- (E) Proposed itinerary or sites to be served;
- (F) Source of water and specifications of the on-board plumbing;
- (G) Site used for SEWAGE disposal;
- (H) Availability of restrooms for EMPLOYEES;
- (I) Operating procedures; and
- (J) Cleaning schedule.

**Additional
Requirements**

9-103.11 Standard Operating Procedures. [WAC 246-215-121(7-8)]

The PERSON IN CHARGE of a MOBILE FOOD UNIT must ensure:

- (A) Only EMPLOYEES and other PERSONS authorized by the REGULATORY AUTHORITY are present in the MOBILE FOOD UNIT;
- (B) All EMPLOYEES are in compliance with the provisions of chapter 69.06 RCW and chapter 246-217 WAC for obtaining and renewing valid FOOD WORKER CARDS, unless all FOODS are prePACKAGED and are nonPOTENTIALLY HAZARDOUS;
- (C) All FOODS, including ice, are from an APPROVED source or COMMISSARY;
- (D) POTENTIALLY HAZARDOUS FOODS prepared on the MOBILE FOOD UNIT are served the same day that they are prepared;
- (E) PrePACKAGED FOODS are properly labeled;
- (F) Only SINGLE-SERVICE ARTICLES are provided for use by the customer; and
- (G) Condiments not in individual packages are provided in dispenser bottles or in other containers protected from contamination.

**Potentially
Hazardous
Foods**

9-104.11 Temperature Control. [WAC 246-215-121(9)]

The PERSON IN CHARGE of a MOBILE FOOD UNIT must ensure that POTENTIALLY HAZARDOUS FOODS are:

- (A) Not cooled on the MOBILE FOOD UNIT;
- (B) Properly temperature-controlled during transport to the place of service;
- (C) Temperature-monitored by use of a stem-type thermometer or thermocouple capable of measuring all proper FOOD temperatures;
- (D) Reheated, for hot holding, from 45°F to 165°F or above within one hour on the MOBILE FOOD UNIT when the FOODS were cooked and cooled in an APPROVED nonmobile FOOD ESTABLISHMENT;
- (E) Reheated, for hot holding, from 45°F to 140°F or above within one hour on the MOBILE FOOD UNIT when the FOODS were produced in a FOOD PROCESSING PLANT;
- (F) Reheated no more than one time; and
- (G) Held in preheated mechanical hot holding EQUIPMENT or prechilled mechanical cold holding EQUIPMENT, or otherwise temperature controlled by an APPROVED method.

**Cooking
Thickness**

9-104.12 Cooking Raw Meats. [WAC 246-215-121(10)]

The PERSON IN CHARGE must ensure that raw MEATS greater than one inch in thickness are not cooked on the MOBILE FOOD UNIT, unless otherwise APPROVED.

**Water and
Wastewater**

9-105.11 Water System. [WAC 246-215-121(11)]

The PERSON IN CHARGE must ensure that the water system on the MOBILE FOOD UNIT:

- (A) Is supplied from an APPROVED source of water;
- (B) Is designed and constructed in an APPROVED manner;
- (C) Is filled from the APPROVED water source through a FOOD-grade hose;
- (D) Is refilled as frequently as necessary to furnish enough hot and cold water for handwashing, FOOD preparation, UTENSIL cleaning, SANITIZING, and facility cleaning, on the MOBILE FOOD UNIT;
- (E) Has a water supply tank with a minimum capacity of five gallons for handwashing;
- (F) Stores liquid waste in a wastewater retention tank with at least fifteen percent more capacity than the water supply tank; and
- (G) Retains wastewater on the MOBILE FOOD UNIT until disposed of by an APPROVED method.

Handwashing

9-106.11 Handwashing Facilities. [WAC 246-215-121(12)]

The PERSON IN CHARGE of the MOBILE FOOD UNIT must ensure that a separate handwashing facility for EMPLOYEES is accessible at all times of operation and includes:

- (A) A sink with potable, warm, running water;
- (B) Soap; and
- (C) Paper towels.

9-106.12 Handwashing Waiver. [WAC 246-215-121(13)]

When only prePACKAGED FOOD items are served, the REGULATORY AUTHORITY may waive or modify requirements for handwashing on the MOBILE FOOD UNIT.

**Employee
Restrooms**

9-107.11 Toilet Facilities. [WAC 246-215-121(14)]

The PERMIT HOLDER must ensure approved toilet facilities are available for EMPLOYEES:

- (A) Readily accessible within two hundred feet of the MOBILE FOOD UNIT during times of operation, if at any one location for more than one hour; and
- (B) Provided with handwashing facilities with potable, warm, running water.

**Sink
Compartment
Requirements**

9-108.11 Warewashing Facilities. [WAC 246-215-121(15)]

The PERMIT HOLDER must ensure:

- (A) A three-compartment sink is available on the MOBILE FOOD UNIT with potable hot and cold running water to wash, rinse, and SANITIZE UTENSILS when UTENSILS are reused on the MOBILE FOOD UNIT; except
- (B) This requirement may be waived or modified by the REGULATORY AUTHORITY when:
 - (1) Limited FOOD preparation occurs; or
 - (2) Additional clean UTENSILS are available and UTENSIL washing takes place at an APPROVED COMMISSARY or SERVICING AREA.

**Required
Postings**

9-109.11 Business Name. [WAC 246-215-121(16)]

The PERMIT HOLDER must provide the REGULATORY AUTHORITY a designated business name and ensure that name is posted on the MOBILE FOOD UNIT in a manner easily visible to customers during operation.

9-109.12 Permit. [WAC 246-215-121(17)]

The PERMIT HOLDER must ensure the original or a copy of the currently valid FOOD ESTABLISHMENT PERMIT is posted on the MOBILE FOOD UNIT in a manner easily visible to customers during operation.

**Food and
Equipment
Protection**

9-110.11 Overhead Protection. [WAC 246-215-121(18)]

The PERMIT HOLDER and PERSON IN CHARGE must ensure overhead protection is provided at the site of operation of the MOBILE FOOD UNIT for all FOOD handling activities.

9-110.12 Food and Food Service Supplies. [WAC 246-215-121(19)]

The PERMIT HOLDER and PERSON IN CHARGE must ensure that all FOOD, EQUIPMENT, UTENSILS, and other FOOD service supplies are contained on the MOBILE FOOD UNIT, at the APPROVED COMMISSARY, at the APPROVED SERVICING AREA, or as otherwise APPROVED in the plan of operation.

Pushcarts

9-111.11 Pushcart Menu Limitation. [WAC 246-215-121(20)]

The menu of a MOBILE FOOD UNIT that can be moved between locations by being pushed by a single PERSON must be limited to nonPOTENTIALLY HAZARDOUS FOODS, hot dogs, and espresso drinks, unless otherwise APPROVED.

Movable Buildings

9-112.11 Movable Building—Lack of Permanent Plumbing. [WAC 246-215-121(21)]

The REGULATORY AUTHORITY may allow a PERSON to operate a FOOD ESTABLISHMENT with a limited menu in a movable building without permanent plumbing under applicable provisions of this section.

9-2	TEMPORARY FOOD ESTABLISHMENTS [WAC 246-215-131]
	Subparts
9-201	Requirements and Restrictions
9-202	Standard Operating Procedures
9-203	Potentially Hazardous Foods
9-204	Separation Barrier
9-205	Handwashing and Wastewater Facilities
9-206	Toilet Facilities
9-207	Sink Compartment Requirements

9-201.11 Requirements and Restrictions. [WAC 246-215-131(1-3)]

Requirements

(A) The PERMIT HOLDER and PERSON IN CHARGE of a TEMPORARY FOOD ESTABLISHMENT must comply with the requirements of this Code, except as otherwise provided in this section.

Restrictions

(B) The REGULATORY AUTHORITY may impose additional requirements to protect against health HAZARDS related to the operation of the TEMPORARY FOOD ESTABLISHMENT and may:

- (1) Limit the FOOD preparation steps;
- (2) Prohibit some menu items; and
- (3) Restrict the mode of operation when facilities or EQUIPMENT are inadequate to protect public health.

Additional Requirements

(C) The owner of a TEMPORARY FOOD ESTABLISHMENT must:

- (1) Apply to the REGULATORY AUTHORITY for a PERMIT to operate the TEMPORARY FOOD ESTABLISHMENT at least fourteen calendar days before intending to provide FOOD service, or as otherwise required by the REGULATORY AUTHORITY;
- (2) Allow only EMPLOYEES and other PERSONS authorized by the REGULATORY AUTHORITY to be present in the TEMPORARY FOOD ESTABLISHMENT; and
- (3) Require the PERSON IN CHARGE of the TEMPORARY FOOD ESTABLISHMENT to obtain a valid FOOD WORKER CARD before beginning work.

Food and Equipment Protection

9-202.11 Standard Operating Procedures. [WAC 246-215-131(4)]

The PERSON IN CHARGE of a TEMPORARY FOOD ESTABLISHMENT must ensure:

- (A) Adequate facilities are provided at the TEMPORARY FOOD ESTABLISHMENT for all necessary FOOD preparation steps;
- (B) All FOODS, including ice, are from an APPROVED source;
- (C) All off site FOOD preparation is done in an APPROVED FOOD ESTABLISHMENT;
- (D) All storage of FOOD and EQUIPMENT is done at APPROVED locations;
- (E) FOOD is transported and stored in properly designed FOOD-grade containers;
- (F) FOOD is protected from potential contamination during transport;
- (G) Only SINGLE-SERVICE ARTICLES are provided for use by CONSUMERS, unless otherwise APPROVED by the REGULATORY AUTHORITY; and
- (H) Condiments not in individual packages are provided in dispenser bottles or in other containers protected from contamination.

**Potentially
Hazardous
Foods**

9-203.11 Temperature Control. [WAC 246-215-131(5)]

The PERSON IN CHARGE of a TEMPORARY FOOD ESTABLISHMENT must ensure that POTENTIALLY HAZARDOUS FOODS are:

- (A) Not cooled in a TEMPORARY FOOD ESTABLISHMENT;
- (B) Properly temperature-controlled during transport to the temporary event location;
- (C) Temperature-monitored by use of a stem-type thermometer or thermocouple capable of measuring all proper FOOD temperatures;
- (D) Reheated, for hot holding, from 45°F to 165°F or above within one hour when cooked and cooled in an APPROVED FOOD ESTABLISHMENT;
- (E) Reheated, for hot holding, from 45°F to 140°F or above within one hour when produced in a FOOD PROCESSING PLANT;
- (F) Reheated no more than one time; and
- (G) Held in preheated mechanical hot holding EQUIPMENT or prechilled mechanical cold holding EQUIPMENT, or otherwise temperature controlled by an APPROVED method.

**Thawing
Thickness**

9-203.12 Thawing Potentially Hazardous Foods. [WAC 246-215-131(6)]

The PERSON IN CHARGE of a TEMPORARY FOOD ESTABLISHMENT must ensure POTENTIALLY HAZARDOUS FOODS that are thawed as part of a continuous cooking process are not greater than four inches thick.

**Public
Access**

9-204.11 Separation Barrier. [WAC 246-215-131(7)]

The PERSON IN CHARGE of a TEMPORARY FOOD ESTABLISHMENT must ensure a separation barrier or other effective method is used to protect FOOD preparation and cooking areas from public access.

**Handwashing
and
Wastewater**

9-205.11 Handwashing and Wastewater Facilities. [WAC 246-215-131(8)]

The PERMIT HOLDER of a TEMPORARY FOOD ESTABLISHMENT must ensure APPROVED handwashing facilities are conveniently located for EMPLOYEES in all FOOD preparation areas, which include:

- (A) Potable, warm, running water;
- (B) Soap and paper towels;
- (C) A five-gallon or larger insulated container kept supplied with warm water for handwashing delivered through a continuous-flow spigot, if permanent plumbing is not available; and
- (D) A wastewater retention tank sufficient in size to hold all wastewater generated by the TEMPORARY FOOD ESTABLISHMENT until emptied in an APPROVED manner, if a public SEWAGE system hookup is not available.

**Employee
Restrooms**

9-206.11 Toilet Facilities. [WAC 246-215-131(9)]

The PERMIT HOLDER of a TEMPORARY FOOD ESTABLISHMENT must ensure APPROVED toilet facilities are available for EMPLOYEES:

- (A) Readily accessible during all times of operation; and
- (B) Provided with handwashing facilities with potable, warm, running water.

**Sink
Compartment
Requirements**

9-207.11 Warewashing Facilities. [WAC 246-215-131(10)]

The PERMIT HOLDER of a TEMPORARY FOOD ESTABLISHMENT must ensure access within two hundred feet to a three-compartment sink with APPROVED drain boards and an adequate supply of hot and cold running water to wash, rinse, and SANITIZE UTENSILS when:

- (A) EQUIPMENT or UTENSILS are reused on-site; or
- (B) The TEMPORARY FOOD ESTABLISHMENT operates for two or more consecutive days; except
- (C) The REGULATORY AUTHORITY may approve an alternative UTENSIL cleaning method when three-compartment sinks with drain boards are not available and no health HAZARD will result.

9-207.12 Food Preparation Sink. [WAC 246-215-131(11)]

The PERMIT HOLDER and PERSON IN CHARGE must ensure a separate FOOD preparation sink is available at the TEMPORARY FOOD ESTABLISHMENT that is supplied with potable running water, drained to an APPROVED wastewater system through an indirect connection, if produce needs to be washed on-site. Alternative produce washing facilities may be used if APPROVED.

9-3 BED AND BREAKFAST OPERATIONS [WAC 246-215-141]

Subparts

9-301	Requirements and Restrictions
9-302	Standard Operating Procedures
9-303	Sink Compartment Requirements

9-301.11 Requirements and Restrictions. [WAC 246-215-141(1-4)]

(A) The PERMIT HOLDER and PERSON IN CHARGE of a BED AND BREAKFAST OPERATION must comply with the requirements of this Code, except as otherwise provided in this section.

(B) The REGULATORY AUTHORITY may impose additional requirements to protect against health HAZARDS related to the FOOD service portion of a BED AND BREAKFAST OPERATION.

Residential Kitchen (C) FOOD may be handled in the residential kitchen of a BED AND BREAKFAST OPERATION without meeting the provisions of FOOD CODE sections 2-301.15, 4-202.15, 4-202.16, 4-202.17, 4-203.13, 4-204.12, 4-204.16, 4-204.113, 4-204.115, 4-204.118, 4-204.120, 4-301.14, 4-302.13, 4-302.14, 4-402.11, 4-402.12, 4-501.11, 4-501.13, 4-501.16, 4-501.110, 4-501.112, 4-501.113, 4-501.116, 4-602.12, 4-703.11, 4-904.13, 5-203.13; parts 4-8 and 5-5; and chapters 6 and 7, if:

- (1) The number of guest bedrooms does not exceed eight;
- (2) FOOD service is limited to overnight guests;
- (3) Breakfast is the only meal prepared; however, nonPOTENTIALLY HAZARDOUS baked goods may be prepared and served at any time of the day;
- (4) POTENTIALLY HAZARDOUS FOODS are prepared for IMMEDIATE SERVICE only; and
- (5) POTENTIALLY HAZARDOUS FOODS are not cooled for later reheating.

Commercial Kitchen Requirement (D) If FOOD service is provided in a BED AND BREAKFAST OPERATION other than under the conditions of Paragraph (C) of this section, all FOODS must be prepared in an APPROVED nonresidential kitchen meeting the requirements of this Code.

Food Protection

9-302.11 Standard Operating Procedures. [WAC 246-215-141(5)]

The PERSON IN CHARGE of a BED AND BREAKFAST OPERATION must ensure:

- (A) FOOD supplies for personal use are separated from FOOD supplies intended for guest use;
- (B) FOOD-CONTACT SURFACES are thoroughly cleaned before each use;
- (C) A sink for handwashing is accessible and conveniently located for use by FOOD EMPLOYEES during all times FOOD is prepared for BED AND BREAKFAST guests;
- (D) Each sink used for handwashing is provided with a supply of hand soap and SINGLE-USE towels or other APPROVED hand-drying device;
- (E) REFUSE, recyclables, and returnables are stored in a manner that does not create a public health HAZARD or nuisance;
- (F) The PREMISES are maintained to control insects, rodents, and other pests;
- (G) Children under age ten and animals are kept out of FOOD preparation areas during all times FOOD is prepared for BED AND BREAKFAST guests; and
- (H) Toxic chemicals are stored in accurately labeled containers away from all FOODS and FOOD service supplies.

Sinks

9-303.11 Sink Compartment Requirements. [WAC 246-215-141(6)]

The kitchen of a BED AND BREAKFAST OPERATION must have at least the following facilities for cleaning and SANITIZING FOOD contact UTENSILS and EQUIPMENT and to allow handwashing in a separate sink basin from one used for FOOD preparation:

- (A) A three-compartment sink; or
- (B) Two sink basins plus a home-style dishwasher with a SANITIZING cycle providing 155°F or hotter water.

9-4 DONATED FOOD DISTRIBUTING ORGANIZATIONS [WAC 246-215-151]

Subparts

9-401	Requirements and Exemptions
9-402	Standard Operating Procedures
9-403	Sink Compartment Requirements
9-404	Food Sources
9-405	Receiving Food
9-406	Prohibited Food
9-407	Food Labels
9-408	Record Keeping

9-401.11 Requirements and Exemptions. [WAC 246-215-151(1-4)]

(A) A DONATED FOOD DISTRIBUTING ORGANIZATION must comply with the requirements of this Code, except as otherwise provided in this section.

Exempt from Permit

(B) A DONATED FOOD DISTRIBUTING ORGANIZATION is exempt from the provisions of WAC 246-215-200 and part 8-3 of the FOOD CODE, regarding operating with a valid FOOD ESTABLISHMENT PERMIT.

Notification Requirement

(C) A DONATED FOOD DISTRIBUTING ORGANIZATION must notify the REGULATORY AUTHORITY in writing or by another APPROVED manner:

(1) Annually of the nature of its FOOD service activities, including types of FOOD served or distributed; and

(2) Whenever there is a significant change in its FOOD service activities.

(D) A DONATED FOOD DISTRIBUTING ORGANIZATION is exempt from meeting the provisions of FOOD CODE sections 2-301.15, 3-202.11, 3-602.11, 4-202.15, 4-202.16, 4-202.17, 4-203.13, 4-204.12, 4-204.16, 4-204.113, 4-204.115, 4-204.118, 4-204.120, 4-301.14, 4-302.13, 4-302.14, 4-402.11, 4-402.12, 4-501.11, 4-501.13, 4-501.16, 4-501.110, 4-501.112, 4-501.113, 4-501.116, 4-602.12, 4-703.11, 4-904.13, 5-203.13; parts 4-8 and 5-5; and chapters 6 and 7, if:

(1) All FOODS are donated to needy PERSONS under the provisions of chapter 69.80 RCW;

(2) POTENTIALLY HAZARDOUS FOOD items are served within eight hours of preparation; and

(3) POTENTIALLY HAZARDOUS FOOD items are not cooled and reheated on-site.

Food Protection

9-402.11 Standard Operating Procedures. [WAC 246-215-151(5)]

The PERSON IN CHARGE of a DONATED FOOD DISTRIBUTING ORGANIZATION must ensure:

(A) EQUIPMENT for cold holding, heating, and hot holding FOODS are sufficient in number and capacity to provide FOOD temperatures specified in chapter 3 of this Code;

(B) FOOD-CONTACT SURFACES are thoroughly cleaned before each use;

(C) A sink for handwashing is accessible and conveniently located for use by FOOD EMPLOYEES during all times of FOOD preparation and service of unwrapped FOODS;

(D) Each sink used for handwashing is provided with a supply of hand soap and single use towels or other APPROVED hand-drying device;

(E) REFUSE, recyclables, and returnables are stored in a manner that does not create a public health HAZARD or nuisance;

(F) The PREMISES are maintained to control insects, rodents, and other pests;

(G) Children under age ten and animals are kept out of FOOD preparation areas during the preparation of FOODS; and

(H) Toxic chemicals are stored in accurately labeled containers away from all FOODS and FOOD service supplies.

Sinks

9-403.11 Sink Compartment Requirements. [WAC 246-215-151(6)]

A DONATED FOOD DISTRIBUTING ORGANIZATION must have at least the following facilities available for handwashing and cleaning of FOOD contact UTENSILS and EQUIPMENT:

(A) A three-compartment sink; or

(B) Two sink basins plus a home-style dishwasher with a SANITIZING cycle providing 155°F or hotter water; or

(C) As otherwise APPROVED.

**Donated
Foods**

9-404.11 Food Sources. [WAC 246-215-151(7)]

A DONATED FOOD DISTRIBUTING ORGANIZATION may receive FOODS for charitable purposes that include:

- (A) Surplus FOODS from a FOOD ESTABLISHMENT;
- (B) Muscle MEAT of a wild GAME ANIMAL:
 - (1) Received from a LAW enforcement officer certified by a jurisdiction in the state of Washington or from a hunter licensed by the Department of Fish and Wildlife;
 - (2) Processed by an APPROVED MEAT cutter; and
 - (3) Labeled "UNINSPECTED WILD GAME MEAT, THOROUGHLY COOK TO 165°F INTERNAL TEMPERATURE";
- (C) Muscle MEAT of a domesticated livestock animal, POULTRY, or rabbit:
 - (1) Donated live to the distributing organization;
 - (2) Raised by a member of an APPROVED youth club, such as 4H;
 - (3) Processed by an APPROVED MEAT cutter; and
 - (4) Labeled "UNINSPECTED MEAT, THOROUGHLY COOK TO 165°F INTERNAL TEMPERATURE";
- (D) FOODS properly handled, stored, or prepared in a DONOR KITCHEN;
- (E) NonPOTENTIALLY HAZARDOUS, nonREADY-TO-EAT FOODS handled or stored in a residential kitchen in a private home; and
- (F) NonPOTENTIALLY HAZARDOUS baked goods handled, stored, or prepared in a residential kitchen in a private home.

**Food
Condition**

9-405.11 Receiving Food. [WAC 246-215-151(8)]

The PERSON IN CHARGE of a DONATED FOOD DISTRIBUTING ORGANIZATION must ensure that FOODS are inspected upon receipt and information is obtained from DONORS in order to determine:

- (A) FOODS are safe and free from adulteration;
- (B) Surplus FOODS have not been previously served to a PERSON;
- (C) POTENTIALLY HAZARDOUS FOODS have been kept under continuous temperature control above 140°F or below 45°F during handling, storage, and transport, except for a maximum of two hours during preparation;
- (D) FOODS have been protected from contamination during handling and storage by intact original commercial packaging or sanitary FOOD-grade containers; and
- (E) FOODS have been handled and transported in separate containers as needed to prevent potential cross-contamination between READY-TO-EAT and nonREADY-TO-EAT FOODS.

Restrictions

9-406.11 Prohibited Food. [WAC 246-215-151(9)]

A DONATED FOOD DISTRIBUTING ORGANIZATION must not serve or distribute:

- (A) Home-canned FOODS;
- (B) Canned FOODS in containers that are rusty or severely dented;
- (C) Distressed FOODS (such as from a fire, flood, or prolonged storage) unless the FOODS have been evaluated and APPROVED for charitable distribution; or
- (D) Infant formula that is past the original expiration date set by the processor.

**Alternative
Labeling**

9-407.11 Food Labels. [WAC 246-215-151(10)]

A DONATED FOOD DISTRIBUTING ORGANIZATION may distribute PACKAGED FOODS without complete label information on each individual container, provided that:

- (A) Each container is labeled with the common name of the FOOD; and
- (B) The label information, according to the provisions of chapter 69.04 RCW, is on the master carton or is posted in plain view on a card, sign, or other method of notice at the point of distribution to the CONSUMER.

***Receiving
Record***

9-408.11 Record Keeping. [WAC 246-215-151(11)]

The PERSON IN CHARGE of a DONATED FOOD DISTRIBUTING ORGANIZATION receiving POTENTIALLY HAZARDOUS FOODS or nonPOTENTIALLY HAZARDOUS, READY-TO-EAT FOODS not prePACKAGED in a FOOD PROCESSING PLANT must keep records for thirty days documenting the source, quantity, type, and receiving date of the FOODS.